

REMARKS

Claims 1, 10-11, 15 and 29-30 are pending in the application.

Claims 29 and 30 have been rejected under 35 USC 102(b) as allegedly anticipated by Tenbrook, et al. (Journal of Immunology 2002).

Claims 1, 10-11 and 15 have been rejected under 35 USC 103(a) as allegedly unpatentable over Tenbrook, et al. in view of Rosenberg (US Patent No. 5,126,132).

Applicant submits that the Tenbrook et al. publication is not prior art under 35 USC 102(b) or 103(a) as it is not a publication by another. Applicant's representative has interviewed Klaus Tsokos and it is believed that Klaus Tenbrook is an inventor that was inadvertently not named in the instant application. It appears that remaining authors, Gourley and Nambiar in the Tenbrook et al. article were working under the direction of Dr. Tsokos and did not contribute to the conception of the application. Applicant's representative has been and is still trying diligently to locate Klaus Tenbrook residing in Germany. Once located, Applicant will file a substitute declaration as well as a declaration stating that Gourley and Nambiar acted as laboratory assistants under the direction of Dr. Tsokos. The filing of these declarations will remove the Tenbrook article as a reference in the existing rejections.

Reconsideration is respectfully requested.

Respectfully submitted,

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By



Caroline Nash, Reg. No. 36, 329

Customer No. 30951

Phone Number 540 554-4551

for: Elizabeth Arwine, Reg. No. 45,867

Attorney for Applicants

U.S. Army Medical Research  
and Materiel Command

ATTN: MCMR-JA,  
Fort Detrick, MD